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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,788	01/12/2004	Valentin Shustov		1787

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EXAMINER
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A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/707,788

Applicant(s)

SHUSTOV, VALENTIN

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 1-2 “ earthquake protectors” being in parenthesis is improper.

Line 2 “ adapted to separate a building superstructure from its foundation” appears not to claim the building structure and the foundation. However, line 16 “ resting on the building footing”, line 17 “pad supporting the building superstructure”, line 2 to end of page 2 “ underpinning and framed into the building superstructure...upwards into the building superstructure “ appears to claim the footing and the building superstructure. The claim is thus confusing in scope.

**The claim is examined as best understood to be claiming a combination between the protectors, the footing, and the building superstructure.**

***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

Line 6 “ protectorscomprising” is confusing. Should it be “ protectors comprising” instead?

Line 6 from bottom “ column stab” is improper. Should it be “ column stub”?

Appropriate correction is required.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is too long.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan (3-169984) in view of Yaghoubian (4726161) and Tada et al (4188681).

Japan (figure 4) shows a system of properly manufactured earthquake protectors adapted to separate a building superstructure from its foundation for protection against damaging effect of strong earthquakes and at the same time to prevent separation under a strong wind or minor earthquakes, each of earthquake protectors comprising two ring-shaped segmented slide tracks (figure 4) containing plurality of freely revolving rollers (3) made of hard material, the rollers in each track stretched parallel to one another, the tracks positioned above each other with their

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axes of rotational sliding being set horizontal and mutually orthogonal in order to provide an adequate separating effect for any horizontal component of earth movement, three properly configured race pads (2, 10, 1), a lower pad (1) resting on the building footing, an intermediate pad (10) and an upper pad (2) supporting the building superstructure, the top surface of the lower pad and bottom surface of the intermediate pad encompassing a lower track, top surface of the intermediate pad and bottom surface of the top pad encompassing an upper track, the pads being able to slide on the rollers along their tracks.

Japan (figure 4) does not show a column stub underpinning and framed into the building superstructure, the stub having its lower end unrestrained against rotation and supported on the top of upper pad with the held of a self-lubricating spherical foot bearing in order to prevent an earthquake induced bending moments to propagate upwards into the building superstructure.

Yaghoubian shows a column stub (27) underpinning and frame into the building superstructure, the stub having its lower end (18) unrestrained against rotation and supported on the top of a pad (16).

Tada et al discloses a self-lubricating spherical foot bearing (per lubricant 29).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Japan (...984) to show a column stub underpinning and framed into the building superstructure, the stub having its lower end unrestrained against rotation and supported on the top of upper pad with the held of a self-lubricating spherical foot bearing in order to prevent an earthquake induced bending moments to propagate upwards into the building superstructure because having a column stub underpinning and framed into the building superstructure with the stub having as its lower end unrestrained against rotation and supported

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on the top of upper pad will allow for the compensation of moments created by motions as taught by Yaghoubian, and having self-lubricating spherical foot bearing would enable the lubricating of the contact surface between the bearing and the its supporting surface and thus enabling a long lasting joint as taught by Tada et al.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different earthquake device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

7/28/05